

REGULAR MEETING

June 12, 1995

The Regular Meeting of the Annapolis City Council was held on June 12, 1995 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:05 p.m. Alderman Turner offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke, Planning and Zoning Director Fogarty, Public Works Director Patmore

Mayor Hopkins presented a Certificate of Appreciation to January Roskelly for her assistance at the First Annual City of Annapolis Yard Sale.

Alderman Snowden moved to approve the Minutes of May 8, 1995, May 15, 1995 and May 22, 1995. Seconded. CARRIED on voice vote.

Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-509(c)(2), this statement is included in these minutes:

A closed session of the City Council was held at 6:26 p.m., Monday, June 12, 1995, in the City Council Chamber.

Members Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Snowden, Turner, DeGraff, Moyer, City Attorney Goetzke, City Administrator Mallinoff, Public Works Director Patmore and City Clerk Bembe.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Sections 10-508(a)(7) and (8). The purpose of the meeting was to consult with counsel to obtain legal advice on a legal matter and consult with staff, consultants, or other individuals about pending or potential litigation. The following action was taken:

(1) City of Annapolis v. West Capital Limited Partnership, Circuit Court for Anne Arundel County Case No. C-94-15347CN

City Attorney Goetzke gave a status report.

Following discussion, Alderman Snowden moved to reject West Capital's offer to settle the case for one-third of the City's \$98,000 claim and to make no counter-offer at this time. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Gilmer, Snowden, Turner
NAYS: Alderman DeGraff
ABSTAIN: Mayor Hopkins
CARRIED: 5-1-1

(2) In re: Russell Hall - disability retirement claim

City Attorney Goetzke gave a status report.

Following discussion, Alderman Snowden moved to accept the recommended settlement of an occupational disability pension that equals 55% of Lt. Hall's salary with all other benefits of disability retirement. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Snowden, Turner, DeGraff, Moyer

CARRIED: 8-0

(3) USNA claim for alleged wastewater fee overcharge

City Attorney Goetzke gave a brief overview. Public Works Director Patmore made a brief presentation.

Following discussion, Alderman Snowden moved to reject the Academy's offer to reduce its claim to \$150,000, payable over fifteen months and to make no counter offer at this time. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer,
Snowden, Turner, DeGraff

NAYS: Alderman Moyer

CARRIED: 7-1

PRESENTATION

The Greater Annapolis Chamber of Commerce City Management Task Force Report

Cynthia McBride, President, Greater Annapolis Chamber of Commerce

The following Task Force members spoke briefly:

Cynthia Eckard, Chair
Robert Slawson

PETITIONS, REPORTS AND COMMUNICATIONS

1. Robert Matthews
Annapolis Cab Company
2002 Browns Wood Road
Annapolis, MD 21401

Spoke regarding use of the parking lot located at 208 West Street.

2. Warren Verbacke
1654 Canonade Court
Annapolis, MD 21401

Spoke regarding a 19th century antique fire steamer.

3. Louise Beauregard
Christian Services, U.S.A.
2 Maryland Avenue
Annapolis, MD 21401

Spoke regarding police and parking issues.

4. Ron Lovejoy
210 Prince George Street
Annapolis, MD 21401

Spoke regarding the reconstruction of Main Street, traffic on Prince George Street, and residential parking. He presented a petition with 91 signatures and photographs relative to these issues.

5. Robert Eades
36 Pleasant Street

Annapolis, MD 21401

Spoke regarding use of the parking lot located at 208 West Street.

6. Reverend Doctor Barbara Sands
Pastor, Asbury Broadneck
No address given

Spoke regarding use of the parking lot located at 208 West Street.

7. Joan Kaplan
41 Water Street
Annapolis, MD 21401

Spoke regarding enforcement issues.

8. Craig Purcell
Chair, Historic Port Annapolis Community Association
259 Hanover Street
Annapolis, MD 21401

Spoke regarding the installation of sprinkler lines during the reconstruction of Main Street.

ACTION ON APPLICATIONS AND APPEALS

- R-22-95** For the purpose of approving the application of Marva L. and Ellis B. Henson for preliminary plat approval of a subdivision and right-of-way variance request to create two lots for the construction of two single-family lots located at 2100 Bay Ridge Avenue in the City of Annapolis; and all matters relating to said subdivision.

Alderman Gilmer moved to adopt R-22-95. Seconded.

Alderman Tullier moved to amend R-22-95 as follows:

Amendment No. 1:

On Page 2, line 35, add the following condition:

12. Prior to the issuance of any building permits for Lots 3 and/or 4, the property owner will provide a dense, vegetative screen along those portions of the lot abutting Ambridge Subdivision as shown on Exhibit A, Landscape Buffer, attached.

Seconded. CARRIED on voice vote.

Alderman Tullier moved to amend R-22-95 as follows:

Amendment No. 2:

On page 2, line 9, immediately following "lot 3", insert "as shown on attachment 1A".

Seconded. CARRIED on voice vote.

Alderman Tullier moved to amend R-22-95 as follows:

Amendment No. 3:

On page 2, add a new condition no. 12 as follows:

12. Any house constructed on Lot No. 3 or Lot No. 4 must be oriented with the front facade and main access facing east toward Bay Ridge Avenue.

Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken on the main motion as amended.

YEAS: Mayor Hopkins, Aldermen Gilmer, Tullier, Snowden, Moyer
NAYS: Aldermen Hammond, Johnson, Turner, DeGraff
DEFEATED: 5-4

(Note: Section 20.32.080 of the City Code requires an affirmative vote of three-fourths of all members of the city council for the approval of a variance.)

SPECIAL ORDER OF BUSINESS - ANNEXATION

R-28-95 For the purpose of annexing certain property lying on Bembe Beach Road, contiguous to the existing boundary of the City of Annapolis.

Alderman DeGraff moved that the applicants work with the Public Works and Planning and Zoning Departments to provide the necessary studies for proper consideration of this petition. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION

CHARTER AMENDMENTS

CA-2-95 Sponsored by Mayor Hopkins and Alderman DeGraff

For the purpose of amending the Charter of the City of Annapolis to expand from five years to ten years the period of time the city council may make special provisions with respect to the levy of municipal taxes and assessments and the rendition of municipal services in annexed areas.

Alderman Tullier recused himself due to a possible conflict of interest.

Alderman Snowden moved to adopt CA-2-95 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee and Rules Committee.

ORDINANCES

O-81-94 Sponsored by Mayor Hopkins

For the purpose of revising the fees for ambulance service; and all matters relating to said fees.

The Finance Committee reported favorably on O-81-94.
The Rules Committee reported favorably with amendments on O-81-94.

There being no voiced objection O-81-94 was withdrawn.

O-3-95 Sponsored by Mayor Hopkins and Aldermen Tullier, Snowden and DeGraff

For the purpose of authorizing the installation and operation of sidewalk cafes on certain City sidewalks under certain terms and conditions after filing of an application with the Department of Planning and Zoning and the granting of a sidewalk cafe permit; establishing an alcoholic beverage license and fee for sidewalk cafes; revising open container provisions to allow possession and consumption of alcoholic beverages on sidewalk cafes; and all matters relating to said sidewalk cafes.

Alderman Snowden moved to discharge the O-3-95 from the Economic Matters Committee, Rules Committee and Planning Commission. Seconded. CARRIED on voice vote.

There being no voiced objection O-3-95 was withdrawn.

O-25-95 Sponsored by Mayor Hopkins

For the purpose of conveying, by two deeds and a drainage easement, certain rights, title and interest held by the City in a certain parcel of land located between Maryland Route 450 (Defense Highway) and Maryland Route 178 (Generals Highway) near Housley Road; and all matters relating to said conveyance.

Alderman Tullier recused himself due to a possible conflict of interest.

Alderman Snowden moved to reconsider O-25-95. Seconded. CARRIED on voice vote.

Alderman Snowden moved to substitute O-25-95 Revised/Amended for O-25-95. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-25-95 Revised/Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-25-95 Revised/Amended on third reading. Seconded. CARRIED on voice vote.

O-31-95 Sponsored by Mayor Hopkins

For the purpose of changing the use of the proceeds of the Public Improvement Bonds of 1993 dated November 1, 1993 issued by the Mayor and City Council of the City of Annapolis; authorizing the transfer of \$72,230 from funds for Bay Ridge Avenue Storm Drains, Capital Project No. 109, \$307,600 from funds for Wardour Storm Drains, Capital Project No. 110, \$10,300 from funds for Cumberland Court, Capital Project No. 421, and \$89,370 from funds for Stanton Center Improvements, Capital Project No. 505; to funds for Main Street Reconstruction, Capital Project No. 420; and all matters relating to said use.

Alderman Snowden moved to adopt O-31-95 on first reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to suspend the rules to dispense with the fiscal impact note and second reading on O-31-95. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-31-95 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, Turner, DeGraff, Moyer
CARRIED: 9-0

O-32-95 Sponsored by Mayor Hopkins

For the purpose of changing the use of the proceeds of the Public Improvement Bonds of 1995 dated April 1, 1995 issued by the Mayor and City Council of the City of Annapolis; authorizing the transfer of \$479,500 from funds for Main Street Reconstruction, Capital Project No. 420; \$72,230 to funds for Bay Ridge Avenue Storm Drains, Capital Project No. 109, \$307,600 to funds for Wardour Storm Drains, Capital Project No. 110, \$10,300 to funds for Cumberland Court, Capital Project No. 421, and \$89,370 to funds for Stanton Center Improvements, Capital Project No. 505; and all matters relating to said use.

Alderman Snowden moved to adopt O-32-95 on first reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to suspend the rules to dispense with the fiscal impact note and second reading on O-32-95. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-32-95 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, Turner, DeGraff, Moyer
CARRIED: 9-0

RESOLUTIONS

R-27-95 For the purpose of extending for a certain period of time the conditional use authorization granted pursuant to Resolution R-29-92 as extended by R-36-93 and R-27-94. (Annapolis Court Club)

Alderman Turner moved to adopt R-27-95. Seconded. CARRIED on voice vote.

R-29-95 For the purpose of extending for a certain period of time the conditional use authorization granted pursuant to Resolution R-41-92 Amended and extended by R-33-93 and R-18-94. (Kinder Associates)

There being no voiced objection, R-29-95 was postponed to the July 10, 1995 meeting.

R-30-95 For the purpose of providing written approval by the City of Annapolis to the proposed assignment by Gourmet Plus, Inc. and Francis P. Curran and Jacquelyn J. Curran, trading as The Cheese Connection, of its lease with the City of Annapolis for certain space in the Markethouse as required by said lease; and all matters relating to said assignment of lease.

Alderman Turner moved to adopt R-30-95. Seconded. CARRIED on voice vote.

R-31-95 For the purpose of authorizing the conveyance of legal and record title in certain real property now held by the Annapolis Water Company to the Mayor and Aldermen of the City of Annapolis; and all matters relating to said property transfer.

Alderman Tullier recused himself due to a possible conflict of interest.

Alderman Snowden moved to adopt R-31-95. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Renewal of towing licenses:
 - a. Lowry's Towing
 - b. Mason's Towing
 - c. Darden Towing

Alderman Turner moved to approve the renewal of the following towing licenses: Lowry's Towing, Mason's Towing, and Darden Towing. Seconded. CARRIED on voice vote.

2. Housing and Community Development Committee Minutes of 4/26/95 and 5/24/95

Alderman Snowden moved to approve the Housing and Community Development Committee Minutes of 4/26/95 and 5/24/95. Seconded. CARRIED on voice vote.

3. Economic Matters Committee Minutes of 5/25/95

There being no voiced objection, approval of the Economic Matters Committee Minutes of 5/25/95 was postponed to the July 10, 1995 meeting.

4. Finance Committee Minutes of 6/1/95

Alderman Snowden moved to approve the Finance Committee Minutes of 6/1/95. Seconded.

Alderman Tullier requested that the Finance Committee Minutes be amended on page 2 under the heading "Ordinance O-25-95" to reflect that he recused himself due to a possible conflict of interest.

The main motion CARRIED on voice vote.

Alderman DeGraff left at 9:30 p.m.

5. Payment of monthly bills

Alderman Snowden moved to pay the monthly bills. Seconded. CARRIED on voice vote.

6. Appointments

Alderman Snowden moved to confirm the Mayor's appointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 6/2/95, 6/5/95, 6/6/95, 6/7/95, 6/8/95, and 6/12/95:

Alcoholic Beverage Control Board:	George Phelps, Jr. Joseph J. Ball
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Environmental Commission:	Vincent J. Pito
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Human Relations Commission:	Joseph E. Cater Neil A. Burke Carrie P. Dickerson
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Planning Commission:	John W. Carroll Matthew G. Peeler
Plumbing Inspectors Committee:	Roy E. Robertson
Recreation Advisory Board:	C. Taney Hamill Stratton Semmes A. Frank Holston
Stanton Center Advisory Committee:	Yevola Peters Bertina Nick Rev. Hulan Marshall Robert Eades Leon Washington Patricia Sally Bean Leslie A. Martin Norman Brailey Teresa Dowd
Transportation Advisory Board:	Sonja E. Eades

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:40 p.m.

**Patricia L. Bembe, CMC/AAE
City Clerk**